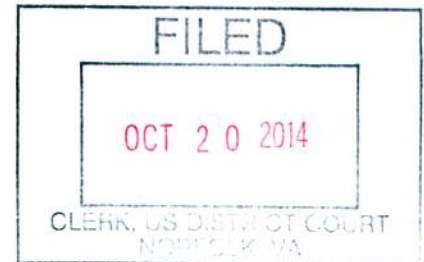


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division



BOBBY, et al.,
Plaintiffs,

v.

ACTION NO. 2:13cv714

SCHOOL BOARD OF THE CITY OF NORFOLK,
Defendant.

ORDER

On January 22, 2014, L.G.B., and Christopher and Ginny Bobby on behalf of L.G.B. (collectively, the "Plaintiffs"), filed an Amended Complaint under the Individuals with Disabilities Education Act ("IDEA") appealing the decision of the Independent Hearing Officer ("IHO") that confirmed the education plans for L.G.B., a minor child who is disabled by autism. ECF No. 6. On February 4, 2014, the Defendant, the School Board of the City of Norfolk, filed an Answer. ECF No. 7. By Order of February 6, 2014, the matter, at a threshold level, was referred to Magistrate Judge Douglas E. Miller, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Federal Rule of Civil Procedure 72(b) for a Report and Recommendation ("R&R") based upon the administrative record in the case. ECF No. 8.

On March 28, 2014, the Plaintiffs filed a Motion for Summary Judgment, ECF No. 27, and on that same day, the

Defendant filed a Cross-Motion for Summary Judgment. ECF No. 28. The Plaintiffs filed their Response on April 14, 2014. ECF No. 30. On that same day, the Defendant filed its Response. ECF No. 31. On May 2, 2014, the Magistrate Judge held a hearing on both Motions for Summary Judgment. ECF No. 33.

On May 30, 2014, the Magistrate Judge filed an R&R that recommended granting the Defendant's Motion for Summary Judgment, affirming the decision of the IHO, and denying the Plaintiffs' Motion for Summary Judgment. ECF No. 34. By copy of the R&R, the parties were advised of their right to file written objections thereto. On June 13, 2014, the Plaintiffs filed their Objections to the Magistrate Judge's R&R. ECF No. 35. On June 26, 2014, the Defendant filed its Response to the Plaintiffs' Objections. ECF No. 37. By Final Order of July 7, 2014, the court adopted and approved the findings in the R&R. ECF No. 38.

On July 21, 2014, the Defendant, as the prevailing party under the IDEA and pursuant to 20 U.S.C. § 1415(i)(3)(B)(i), filed a Motion for Attorney's Fees and a Memorandum in Support. ECF Nos. 40, 41. On August 21, 2014, the Plaintiffs filed their Memorandum in Opposition. ECF No. 44. By Order of August 21, 2014, the matter was referred to Magistrate Judge Douglas E. Miller, pursuant to the provisions of 28 U.S.C.

§ 636(b)(1)(B) and (C) and Federal Rule of Civil Procedure 72(b) for a Report and Recommendation ("R&R regarding Attorney's Fees"). ECF No. 45. The Magistrate Judge filed the R&R regarding Attorney's Fees on September 16, 2014, wherein he recommended denying the Defendant's Motion for Attorney's Fees. ECF No. 46.

By copy of the R&R regarding Attorney's Fees, the parties were advised of their right to file written objections thereto. On September 30, 2014, the Defendant filed its Objections, ECF No. 47, and on October 14, 2014, the Plaintiffs filed their Reply. ECF No. 48.


Pursuant to Rule 72(b) of the Federal Rules of Civil Procedure, the court, having reviewed the record in its entirety, shall make a de novo determination of those portions of the R&R to which the Defendant has specifically objected. Fed. R. Civ. P. 72(b). The court may accept, reject, or modify, in whole or in part, the recommendation of the magistrate judge, or recommit the matter to him with instructions. 28 U.S.C. § 636(b)(1).

The court, having examined the Defendant's Objections to the R&R regarding Attorney's Fees, and having made de novo findings with respect thereto, overrules the Defendant's Objections, and does hereby adopt and approve in full the findings and recommendations set forth in the Report and

Recommendation of the United States Magistrate Judge filed on September 16, 2014. Accordingly, the court **DENIES** the Defendant's Motion for Attorney's Fees under 20 U.S.C. § 1415 (i) (3) (B) (i).

The Clerk is **DIRECTED** to forward a copy of this Order to counsel for the parties.

IT IS SO ORDERED.

/s/
Rebecca Beach Smith
Chief
United States District Judge 
REBECCA BEACH SMITH
CHIEF UNITED STATES DISTRICT JUDGE

October 20, 2014